

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8248 OF 2005

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Dated: 14.12.2005

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Between

Akkineni Mutyavathi @ Muttamma, W/o. Purnachandra Rao,
Occ: Cultivation, R/o. Akkinepalli Village, Dammamet (M), Khammam District.

...PETITIONER

AND

State of A.P. Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad
and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not initiating any action on the report dated 07.04.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner of the landed property of Ac.11.30 guntas in Akkinepalli village in Sy.Nos.291/5, 291/10, 291/11 and 291/12 and he has got fundamental right to enjoy his property without any interference whatsoever by any unsocial elements or the encroachers. The fifth respondent, who is a tribal, has been interfering with the lawful rights of the petitioner to enjoy the said property and in cultivating the said lands. The learned counsel further submits that the petitioner filed a report before the fourth respondent on 07.04.2005 for providing necessary police protection to him to harvest the cashew nut crop as the fifth respondent and some other tribal people are interfering with his life and liberty.

This Court while issuing notice before admission directed the respondents 2 to 4 to accord protection to the petitioner to harvest the crop on the land held by the petitioner.

Counter has been filed stating that the petitioner has filed no report as such. However, the police are inclined to provide protection to the lands of the petitioner only if there is any threat or dispossession and the same should be intimated to the police.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioner to make a specific representation before the fourth respondent as and when there is a threat either by the fifth respondent or by any other person interfering with his right to enjoy his property and if any such representation is filed, the fourth respondent may take appropriate action to give necessary police protection to the petitioner in accordance with law.

V. ESWARAIAH, J

December 14, 2005

DSK